

**REMARKS**

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 54-87 were pending and rejected. In this response, no claim has been canceled. Claims 54, 60, 71, and 77 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. No new matter has been added.

**CLAIM OBJECTIONS**

Claims 60 and 77 are objected to because of informalities. In view of the foregoing amendments, it is respectfully submitted that the objections have been overcome.

**Rejections Under 35 U.S.C. § 112**

The Examiner has rejected claims 54, 61-68, 71 and 78-85 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In view of the foregoing amendments, it is respectfully submitted that claims 54-87 as amended are fully supported by the specification.

For example, with respect to claims 54 and 71, it is respectfully submitted that in view of the specification, one with ordinary skill in the art would understand that a network element as claimed is related to a network routing device (e.g., DSL box, etc.) for routing network traffic among multiple networks.

Specifically, the specification of the present application states:

“Communication networks suffer when a network element is brought down by an errant configuration or some other fault within the network element. The time spent determining the exact state of a crashed network element and then reconfiguring the crashed network element is detrimental to businesses relying on the network and the owner of the network.”

(Specification, page 3, paragraph [0005]).

"A fault tolerant network element improves the performance of a network and decreases the downtime of a network. The network providers and entities relying on networks benefit from a network with increased reliability. A fault tolerant network allows a network provided to maximize utilization of the network."

(Specification, page 18, paragraph [0048]).

Thus, independent claims 54 and 71 are fully supported by the specification.

With respect to claims 61-62 and 78-79, the support can be found, for example, on pages 5-6, 9-11, and 15-16; Figs. 1, 4A-4B, and 6. Similarly, with respect to claims 63-68 and 80-85, the support can be found, for example, on pages 9-11 and 15-17; Figs. 4A-4B and 6-8. Therefore, it is respectfully submitted that all claims are fully supported throughout the specification.

Claims 54 and 71 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome.

#### **REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 54-62, 69-79, 86 and 87 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,115,715 to Traversat et al. ("Traversat"), in view of U.S. Patent No. 6,665,714 to Blumenau et al. ("Blumenau").

Claims 63-68 and 80-85 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Traversat and Blumenau as applied to claims 62 and 79 above, and further in view of U.S. Publication No. 2002/0065795 of Asherman ("Asherman").

In view of the foregoing, it is respectfully submitted that claims 54-87 include

limitations that are not disclosed or suggested by the cited references. Specifically, for example, independent claim 54 as amended states:

54. A machine implemented method performed by a network element having a first interface communicatively coupled to a first network and a second interface communicatively coupled to a second network, the method comprising:
- receiving a request from a user via a command line interface (CLI) of the network element for configuring the network element, the request accessing a configuration file stored in a database that is used to route network traffic between the first network and the second network via the first and second interfaces, the first network being different than the second network;
  - in response to the request, recording operations of the request in a transaction log separated from the database without accessing the database until a commit command is received from the user via the CLI of the network;
  - and
  - performing the recorded operations of the request from the transaction log to access a record of the database associated with the request received from the user in response to a commit command from the CLI indicating that the user has committed to the requested configuration.

Independent claim 54 includes limitations of routing network traffic between two different networks based on the configuration database stored within the network element, where the configuration database is configurable by a user (e.g., a network administrator) via a command line interface (CLI). The configuration received via a CLI from the user is not performed until the user issues a commit command from the CLI indicating that the user has committed to the configuration request. As result, the errors (e.g., crashes during the configuration) would be greatly reduced. It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Rather, Traversat is related to a computer system having a database for storing configuration and user data for multiple clients (see, Abstract of Traversat; Fig. 9). However, Traversat is not related to a network element for routing network traffic between two different networks.

The Office Action contends that “computer system 900 uses peripheral bus[e]s as a first interface to communicate to a printer device as a subscriber (Col. 12, Lines 36-40).” (10/20/2005 Office Action, page 6). Applicant respectfully disagrees.

The peripheral bus of system 900 is used to couple multiple components within the system 900, instead of routing network traffic between two different networks as recited in claim 54. Specifically, Traversat states:

“FIG. 9 is a block diagram of a general purpose computer system 900 suitable for carrying out the processing in accordance with one embodiment of the present invention. FIG. 9 illustrates one embodiment of a general purpose computer system. Other computer system architectures and configurations can be used for carrying out the processing of the present invention. Computer system 900, made up of various subsystems described below, includes at least one microprocessor subsystem (also referred to as a central processing unit, or CPU) 902. That is, CPU 902 can be implemented by a single-chip processor or by multiple processors. CPU 902 is a general purpose digital processor which controls the operation of the computer system 900. Using instructions retrieved from memory, the CPU 902 controls the reception and manipulation of input data, and the output and display of data on output devices.”

(Traversat, col. 11, lines 43-58, emphasis added).

Thus, one with ordinary skill in the art would believe that system 900 of Traversat is capable of perform operations set forth in claim 54 as amended.

Although the Office Action acknowledged that Traversat fails to disclose CLI limitation; the Office Action contended that Blumenau discloses CLI limitation. However, the Office Action failed to elaborate how Blumenau disclose CLI and did not cite specific sections of Blumenau that read on this limitation (see 10/20/2005 Office Action, page 7). It is respectfully submitted that Blumenau and/or Asherman also fail to disclose the limitations set forth above.

In addition, there is no suggestion within the cited references to combine with one another. As described above, Traversat relates to a single computer, while Blumenau and Asherman are related to networking. It is respectfully submitted that Traversat, Blumenau,

and Asherman are solving significantly different problems and their approaches are significantly different. It is respectfully submitted that one with ordinary skill in the art would not, based on the teachings of Traversat, Blumenau, and Asherman, to combine with each other. Even if they were combine, such a combination still lacks the limitations set forth above because such a combination lacks reasonable expectation of success.

Again, the present invention as claimed is not about whether there is a database in a network element. Rather, it is about how to use a database to configure a network element, particularly, via a CLI interface. In order to render a claim obvious, each and every limitation of the claim must be taught by the cited references. It is respectfully submitted that the cited references, individually or in combination, fail to disclose each and every limitations set forth above. Therefore, for the reasons set forth above, it is respectfully submitted that claim 54 as amended is patentable over Traversat, Blumenau, and Asherman.

Similarly, independent claim 71 includes limitations similar to those recited in claim 54. Thus, for the reasons similar to those discussed above, it is respectfully submitted that claim 71 is patentable over Traversat, Blumenau, and Asherman. Given that the rest of the claims depend from one of the above independent claims, it is respectfully submitted that the rest of the claims are patentable over Traversat, Blumenau, and Asherman. Withdrawal of the rejections is respectfully requested.

### CONCLUSION


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: January 20, 2006

  
Kevin G. Shao  
Attorney for Applicant  
Reg. No. 45,095  
Kevin\_Shao@bstz.com

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300